

REMARKS/ARGUMENTS

Upon entry of this Amendment, Claims 25-46 will be pending. Claims 20-24 have been cancelled without prejudice to their re-presentation in a continuation application. Claims 25 and 37-41 have been withdrawn from consideration. As recommended by the Examiner, independent Claim 26 has been merged with Claim 20. New Claim 42 depends from Claim 26 and recites the limitation "at least one to three weeks". As discussed during the interview, this limitation finds support in the specification on page 9, lines 15-16. New Claims 43-46 track prior Claims 21-24, but have been amended for consistency with Claim 26, from which they depend. Claim 44 uses the term "peripheral blood mononuclear cells" which finds support on page 9, line 6, of the specification. Claim 45 uses the phrase "a cellular fraction . . . which contains granulocytes and lymphocytes" as described on page 12, lines 13-14, of the specification. Accordingly, the Applicants do not believe that any new matter has been added.

The Applicants thank Examiner Afremova for the courteous and helpful interview of October 8, 2003. As discussed, Claim 26 has been amended to incorporate the primary limitations of Claim 20. It was also indicated that the new matter rejection of the phrase "at least 1-3 weeks" would likely be withdrawn in view of page 9, lines 15-16 of the specification. The Applicants also thank Examiner Afremova for indicating that the subject matter Claims 26-36 is free of the prior art. The claims subject to examination now depend from Claim 26. Accordingly, favorable consideration and allowance of this application is now respectfully requested.

Claim Objections

Claims 20 and 22-24 were objected to for various informalities. This objection is moot in view of the cancellation of these claims.

Rejection—35 U.S.C. 112, first paragraph

Claims 20-24 and 26-36 were rejected under 35 U.S.C. 112, first paragraph, as lacking adequate description. This rejection is moot in view of the cancellation of Claims 20-24 and the amendment of Claim 26. Moreover, the phrase “at least one to three weeks” finds descriptive support on page 9, lines 15-16, of the specification. Accordingly, this rejection would not apply to the present claims.

Rejection—35 U.S.C. 112, second paragraph

Claims 20-22 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite. This rejection is moot in view of the cancellation of these claims.

Rejection—35 U.S.C. 102(b)

Claims 20-22 were rejected under 35 U.S.C. 102(b) as being anticipated by Purton et al., Blood (1995). This rejection is moot in view of the cancellation of these claims.

Rejection—35 U.S.C. 103(a)

Claims 20-24 were rejected under 35 U.S.C. 103(a) as being anticipated by Purton et al., Blood (1995) taken with Moore, U.S. Patent No. 5,830,682 or Matayoshi et al., PNAS (1996), Torok-Storb et al., U.S. Patent No. 5,879,940 and Dahl et al., Annals of Rheumatic Disease (1985). This rejection is moot in view of the cancellation of these claims.

Acknowledgement of International Search Report Documents


The Applicants respectfully request that the Examiner indicate that the documents cited on the International Search Report have been considered, see MPEP 1893.03(g). See also, the request for consideration of these documents filed October 10, 2000. For the convenience of the Examiner, the Applicants attach herewith Form 1449 listing these documents.

CONCLUSION

In view of the above amendments and remarks, the Applicants respectfully submit that this application is now ready for allowance. Early notification to that effect is earnestly solicited.

Respectfully submitted,

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